

BILL NO. Z-85-08-32

ZONING MAP ORDINANCE NO. Z-Lash

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. 0-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby  
designated a B-3-B (General Business) District under the terms of  
Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of Lot 4, Fred J. Hayden's Amended Plat of  
Eliza Hanna Senior's Subdivision of the East  
80 acres of Lot Number 11 of Hanna's Plat "C"  
in the Southeast quarter of the Section 25,  
Township 31 North, Range 12 East, according  
to the plat thereof recorded in Deed Record  
106, Page 267, of the records in the Office of  
the Recorder of Allen County, Indiana, further  
described as follows: Beginning at the intersection  
of the Westerly line of North Anthony Boulevard with  
the Southerly line of St. Joe River Drive (foremerly)  
known as Springfield Avenue); thence Westerly along  
the Southerly line of St. Joe river Drive, 131 feet;  
thence South and parallel with the Westerly line of  
North Anthony Boulevard, 181 feet; thence at right  
angles East 127.33 feet to a point in the Westerly  
line of North Anthony Boulevard; thence North along  
said Westerly line, 150.00 feet to the point of  
beginning,

and the symbols of the City of Fort Wayne Zoning Map No. 0-22, as  
established by Section 11 of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in  
full force and effect from and after its passage and approval by the  
Mayor.

Allen B. Reed  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by Redd  
seconded by E. Stub, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Way  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E

DATE: 8-27-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd  
seconded by Talarico, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>7</u>    | <u>7</u>    |                  | <u>2</u>      |                |
| <u>BRADBURY</u>    | <u>✓</u>    | <u>✓</u>    |                  |               |                |
| <u>BURNS</u>       | <u>✓</u>    | <u>✓</u>    |                  |               |                |
| <u>EISBART</u>     | <u>✓</u>    |             |                  | <u>✓</u>      |                |
| <u>GiaQUINTA</u>   | <u>✓</u>    | <u>✓</u>    |                  |               |                |
| <u>HENRY</u>       | <u>✓</u>    | <u>✓</u>    |                  |               |                |
| <u>REDD</u>        | <u>✓</u>    | <u>✓</u>    |                  |               |                |
| <u>SCHMIDT</u>     | <u>✓</u>    |             |                  | <u>✓</u>      |                |
| <u>STIER</u>       | <u>✓</u>    | <u>✓</u>    |                  |               |                |
| <u>TALARICO</u>    | <u>✓</u>    | <u>✓</u>    |                  |               |                |

DATE: 9-24-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

WIN MOSES, JR., MAYOR



**RECEIVED**

**JUL 18 1985**

**FORT WAYNE  
CITY PLANNING COMMISSION**

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE Retail Music Store &

Used Automobile Sales

in very limited number

THIS IS TO BE FILED IN DUPLICATE

I/We Walter H. Ostermeyer & Georgianna L Ostermeyer  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

Part of Lot 4, Fred J. Hayden's Amended Plat of Eliza Hanna Senior's Subdivision of the East 80 acres of Lot Number 11 of Hanna's Plat "C" in the Southeast quarter of the Section 1 Township 31 North, Range 12 East, according to the plat thereof recorded in Deed Record 106, Page 267 of the records in the Office of the Recorder of Allen County, Indiana, further described as follows: Beginning at the intersection of the Westerly line of North Anthony Blvd. with the Southerly line of St. Joe River Drive (formerly known as Springfield Ave.); thence Westerly along the Southerly line of St. Joe River Drive, 131 feet; thence South and parallel with the Westerly line of North Anthony Blvd., 181 feet; thence at right angles East 127.33 feet to a point in the Westerly line of North Anthony Blvd.; thence North along said Westerly line, 150.00 feet to the point of beginning.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3535 N. Anthony Blvd.  
Fort Wayne, IN 46805-1490

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

|                                |                               |                                |
|--------------------------------|-------------------------------|--------------------------------|
| <u>Walter H. Ostermeyer</u>    | <u>2415 Forest Park Blvd.</u> | <u>Walter H. Ostermeyer</u>    |
| <u>Georgianna L Ostermeyer</u> | <u>Fort Wayne, IN 46805</u>   | <u>Georgianna L Ostermeyer</u> |
|                                | <u>same</u>                   |                                |
| (Name)                         | (Address)                     | (Signature)                    |

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. Fort Wayne

|                             |                                     |                     |
|-----------------------------|-------------------------------------|---------------------|
| <u>Walter H. Ostermeyer</u> | <u>2415 Forest Park Blvd. 46805</u> | <u>219-483-4409</u> |
| (Name)                      | (Address & Zip Code)                | (Telephone Number)  |

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



TAX BILLS TO:  
3535 N. Anthony Blvd.  
Fort Wayne 46805

31-003411

## SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH That SUN OIL COMPANY OF PENNSYLVANIA, a Pennsylvania corporation, successor by merger to Sun Oil Company, a New Jersey corporation, 1608 Walnut Street, Philadelphia, Pennsylvania 19103,

GRANTOR, for and in consideration of the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

the receipt whereof is hereby acknowledged, conveys and warrants to WALTER H. OSTERMEYER and GEORGIANNA L. OSTERMEYER, husband and wife, 2415 Forest Park Boulevard, Fort Wayne, Indiana 46805

GRANTEE, the heirs or successors and assigns of the Grantee

ALL that certain parcel of Real Estate situate in the City of Fort Wayne, County of Allen, State of Indiana, to wit:

Part of Lot 4, Fred J. Hayden's Amended Plat of Eliza Hanna Senior's Subdivision of the East 80 acres of Lot Number 11 of Hanna's Plat "C" in the Southeast quarter of Section 25, Township 31 North, Range 12 East, according to the plat thereof recorded in Deed Record 106, Page 267, of the records in the Office of the Recorder of Allen County, Indiana, further described as follows:

Beginning at the intersection of the Westerly line of North Anthony Boulevard with the Southerly line of St. Joe River Drive (formerly known as Springfield Avenue); thence Westerly along the Southerly line of St. Joe River Drive, 131 feet; thence South and parallel with the Westerly line of North Anthony Boulevard, 181 feet; thence at right angles East 127.33 feet to a point in the Westerly line of North Anthony Boulevard; thence North along said Westerly line, 150.00 feet to the point of beginning.

Deed Reference: Book 637, Page 222

Less that part conveyed to the City of Fort Wayne, Indiana, to wit:

Beginning at the southwest corner of St. Joe River Drive and Anthony Boulevard; thence in a northwesterly direction along the southerly right of way line of St. Joe River Drive, a distance of 131 feet, thence South and parallel to the west right of way line of Anthony Boulevard, a distance of 5.15 feet; thence in a southeasterly direction and parallel to the southerly right of way line of St. Joe River Drive, a distance of 131 feet; thence North along the west right of way line of Anthony Boulevard a distance of 5.15 feet, to the point of beginning.

Subject to easements, restrictions and conditions of record, easements or restrictions visible upon the ground and any state of facts which an accurate survey would disclose.

DULY ENTERED FOR TAXATION

FEB 20 1981

Gloria J. Gieglein  
AUDITOR OF ALLEN COUNTY

INSTRUMENT N

10489

FIRST LAND TITLE COMPANY  
OF FORT WAYNE, INC.

Indiana County Recorder's Office  
Sale of Real Estate

Paid by

Grantor

Grantor

Date Paid 2-20-81

Amount Paid \$ 1,350.00

Treasurer's Receipt # 412612

Allen County



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

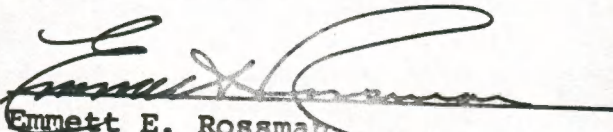
TO HAVE AND TO HOLD the same to the Grantee, the heirs or successors and assigns of the Grantee, forever.

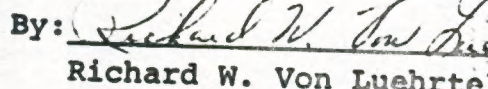
And the Grantor, for itself, its successors and assigns, does covenant with the Grantee, the heirs or successors and assigns of the Grantee, that it, the Grantor, is well seized in fee of the lands and premises aforesaid; that it has good right to sell and convey the same in manner and form aforesaid, that the same are free from all encumbrances of whatsoever nature made or to be made by the Grantor, and that Grantor will, and its successors and assigns shall, warrant and defend the same to the Grantee, the heirs or successors and assigns of the Grantee, against the lawful claims and demands of all persons claiming by, through or under the Grantor, subject as aforesaid.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed and its duly attested Corporate Seal to be hereunto affixed this 29th day of January, 1981.

SUN OIL COMPANY OF PENNSYLVANIA

ATTEST:

  
Emmett E. Rossman  
Assistant Secretary

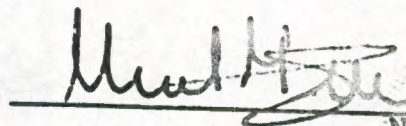
By:   
Richard W. Von Luehrte  
Manager, Real Estate

STATE OF PENNSYLVANIA )  
COUNTY OF PHILADELPHIA ) SS

On this 29th day of January, 1981, before me, a Notary Public within and for said County and State, personally appeared Richard W. Von Luehrte and Emmett E. Rossman, to me personally known, who, being each by me duly sworn, did say that they are respectively the Manager, Real Estate and Assistant Secretary of SUN OIL COMPANY OF PENNSYLVANIA, a Pennsylvania Corporation, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed, sealed and delivered in behalf of said Corporation by authority of its Board of Directors, and said Richard W. Von Luehrte and Emmett E. Rossman acknowledged said instrument to be their free act and deed and the free act and deed of said Corporation.

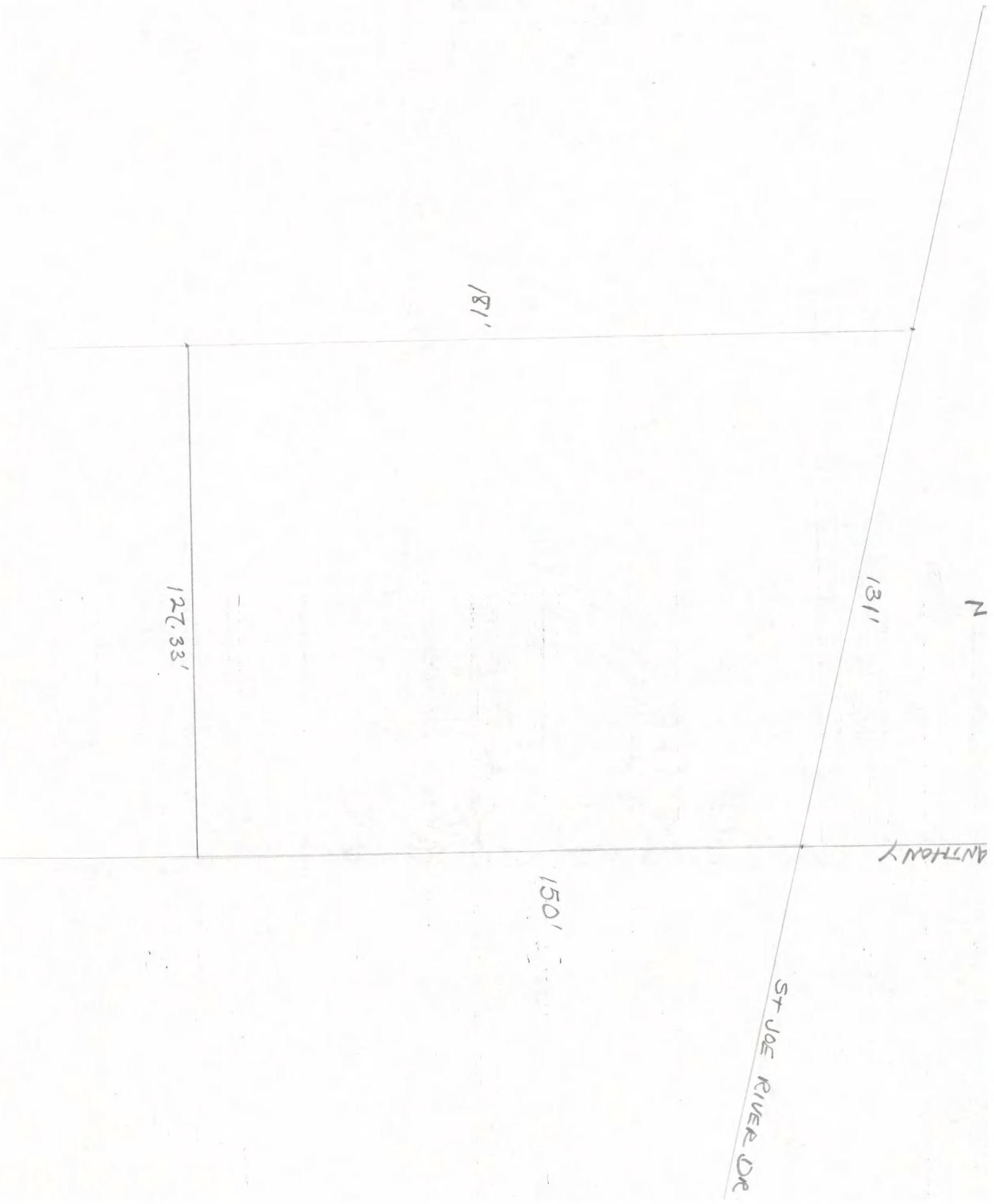
MY COMMISSION EXPIRES:

CHARLES G. SCHANZ, Notary Public  
Philadelphia, Philadelphia County, Pa.  
My Commission Expires Jan. 28, 1984

  
Notary Public

THIS INSTRUMENT PREPARED BY: FRANK R. ROARK, JR., ESQ., SUN OIL COMPANY OF PENNSYLVANIA, 1608 WALNUT STREET, PHILADELPHIA, PENNSYLVANIA 19103.

1" = 30'





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-32; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

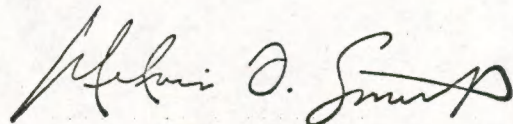
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this  
4th day of September 1985.



---

Melvin O. Smith  
Secretary

BILL NO. Z-85-08-32

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. 0-22

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

\_\_\_\_\_  
CHARLES B. REDD  
CHAIRMAN

\_\_\_\_\_  
JANET G. BRADBURY  
VICE CHAIRWOMAN

\_\_\_\_\_  
JAMES S. STIER

\_\_\_\_\_  
BEN A. EISBART

\_\_\_\_\_  
DONALD J. SCHMIDT

CONCURRED IN 9-24-85

*Charles B. Redd*  
*Janet G. Bradbury*  
*[Signature]*  
*[Signature]*  
SANDRA E. KENNEDY  
CITY CLERK



# RECEIPT

check  
#4528

COMMUNITY DEVELOPMENT & PLANNING

No 12059

FT. WAYNE, IND., 7/18 19 85

RECEIVED FROM Walter H. Ostermeyer \$ 50.00

THE SUM OF Fifty 400/100 — 100 DOLLARS

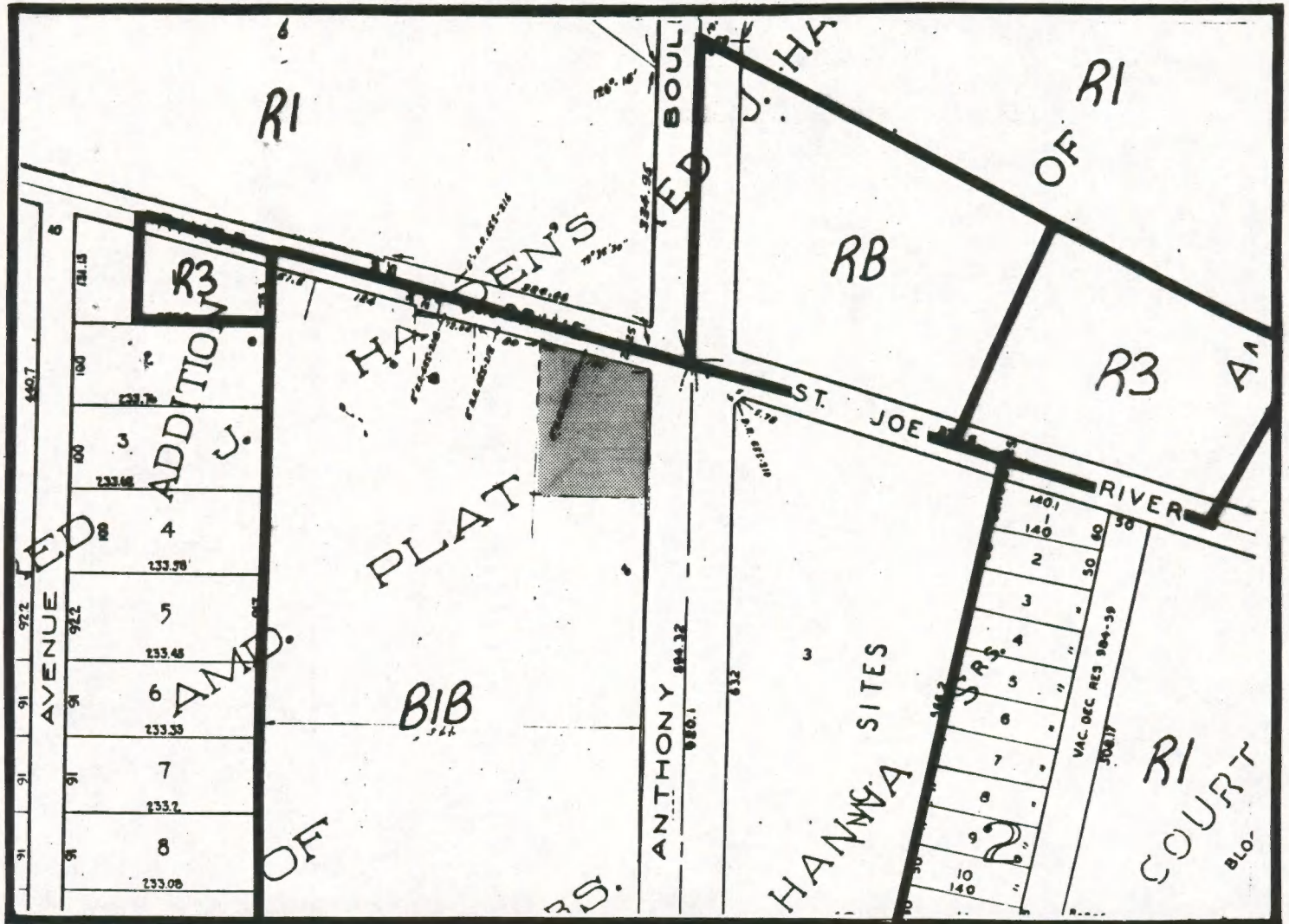
ON ACCOUNT OF Rezening - 3535 N. Anthony

B. Steele

AUTHORIZED SIGNATURE



## GENERAL LOCATION MAP FOR 3535 N. ANTHONY BLVD.

Zoning:

BIB LIMITED BUSINESS B  
 RI RESIDENTIAL DISTRICT  
 R3 RESIDENTIAL DISTRICT  
 RB RESIDENCE "B"

Land Use:

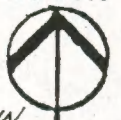
BILL NO. Z-85-08-32

Scale: 1"=200'

48

Date: 7-29-85

NORTH



L.W.



**FACT SHEET**

Bill No. Z-85-08-32

**Division of Community  
Development & Planning****BILL NUMBER****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

**DETAILS****Specific Location and/or Address**

3535 No. Anthony Blvd.

**Reason for Project**

To allow for the property owner to sell used cars.

**Discussion (Including relationship to other Council actions)**

Walter Ostermeyer, 2415 Forest Park Blvd., petitioner stated that he owned the property in question on which is located the store "Mr. Music". He stated that it is almost a half an acre in size and the structure is only about 1800 sq. ft. in size. He stated that they placed some cars on the lot on the corner with the intention of selling them, not realizing that the zoning would not accommodate the selling of used cars. He stated that they were requesting the rezoning in order to generate more income from this property.

Herman Friedrich questioned if they would have a separate office for the selling of cars.

Mr. Ostermeyer stated that they would simply put a sign on the cars and they would not be out there actively selling cars. He stated that people could inquire in the music store.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Walter Ostermeyer

City Department

Other

**Opponents****Groups or Individuals**

None

**Basis of Opposition****Staff  
Recommendation**☐ For☒ Against**Reason Against**

-spot zoning

-adverse impact on area

**Board or  
Commission  
Recommendation****By**☐ For☒ Against☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



**DETAILS**

August 26, 1985 - Business Meeting

Motion to deny was made and carried.  
of the 9 members present 8 voted in  
favor of denial one (1) did not vote.

**POLICY/ PROGRAM IMPACT**

|                                     |  |
|-------------------------------------|--|
| Policy or<br>Program<br>Change      | <input type="checkbox"/> No <input type="checkbox"/> Yes |
|                                     |  |
|                                     |  |
| Operational<br>Impact<br>Assessment |  |
|                                     |  |
|                                     |  |

(This space for further discussion)

**Project Start**

**Date** July 18, 1985

**Projected Completion or Occupancy**

**Date** September 4, 1985

**Fact Sheet Prepared by**

Patricia Biancaniello

**Date** September 4, 1985

**Reviewed by**

**Date**

*Gary Butler*  
**Reference or Case Number**

*9 September 1985*



DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-15-08-320

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 3535 North Anthony Blvd.

EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business. Property  
will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_